

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF MANAGEMENT )  
OF GROUND WATER WITHIN THE )  
GRAND VIEW - BRUNEAU GROUND )  
WATER MANAGEMENT AREA )

**ORDER APPROVING GROUND  
WATER MANAGEMENT PLAN**

The Director of the Idaho Department of Water Resources (“Department”) finds, concludes, and orders as follows:

**FINDINGS OF FACT**

1. On October 29, 1982, the Director designated the Grand View-Bruneau Ground Water Management Area (“GBGWMA”) by order. *See Order in the Matter of the Grand View-Bruneau Ground Water Management Area* (October 28, 1982).
2. On July 27, 2000, the Director created the Bruneau Ground Water Management District (“BGWMD”) in response to a petition signed by 14 water users owning water rights to use ground water from low-temperature geothermal (“LTG”) wells located near Bruneau. The petitioners sought formation of the district to promote local control over LTG aquifers in the area and to secure funding and technical assistance to repair leakage and waste of water from LTG wells. The BGWMD has had limited activity since its inception.
3. On February 4, 2021, the Director formed a local ground water user Advisory Committee to evaluate ground water management issues and consider development of a management plan to manage the effects of ground water withdrawals on aquifers within the GBGWMA.
4. The Advisory Committee met eight times between February 2021 and December 2022 to learn about the hydrogeology of the GBGWMA and LTG aquifers, identify and prioritize potential management objectives, explore options for financial assistance to repair or abandon leaking wells, and to evaluate management plan options for the GBGWMA.
5. From December 2021 to June 2022, the Advisory Committee and Department staff coordinated to complete a draft GBGWMA Ground Water Management Plan (“Draft Management Plan”). On June 22, 2022, the Advisory Committee met and supported the Draft Management Plan, contingent on correcting some minor errors identified at the meeting. Department staff corrected the errors and presented a revised version of the Draft Management Plan (“Revised Draft Management Plan”) to the Advisory Committee at a meeting on October 5, 2022.
6. On October 21, 2022, the Director issued the *Amended Snake River Moratorium Order* that suspends further action on the processing and approval of presently pending and new applications for permit to appropriate water from the Snake River and surface water and ground water sources tributary to the Snake River upstream from Swan Falls Dam. The moratorium area includes the GBGWMA.
7. The Department conducted a public meeting on December 6, 2022, at the Rimrock High School in Bruneau, Idaho to review and discuss the Revised Draft Management Plan. At the meeting,

the Department addressed questions about the Revised Draft Management Plan and related ground water management issues. The following people offered verbal comments at the meeting:

- Rohl Hipwell
- David Lahtinen
- David Mori
- David Ward

8. Written comments were received from the following:

- David Lahtinen

9. After considering the comments, Department staff propose modifications be made to the Revised Draft Management Plan.

### **CONCLUSIONS OF LAW**

1. The GBGWMA was designated pursuant to the provisions of Idaho Code § 42-233b, which states in pertinent part:

When a ground water management area is designated by the director of the department of water resources, or at any time thereafter during the existence of the designation, the director may approve a ground water management plan for the area. The ground water management plan shall provide for managing the effects of ground water withdrawals on the aquifer from which withdrawals are made and on any other hydraulically connected sources of water.

2. The Revised Draft Management Plan, with slight modification, should be approved for the GBGWMA. Modifications include:

- a. Revise Section II, Background, to add a paragraph documenting that the Director issued the *Amended Snake River Moratorium Order* (“Moratorium Order”) on October 21, 2022, suspending further action on the processing and approval of presently pending and new applications for permit to appropriate water from the Snake River, and surface water and ground water sources tributary to the Snake River upstream from Swan Falls Dam, including the GBGWMA. The Background section is further revised to note that IDWR’s designation of the GBGWMA in 1982 restricted approval of new appropriations of ground water for non-domestic consumptive uses within the GBGWMA.
- b. Revise Section VI, Management Plan Term, to include a performance term provision in which the Director shall review and evaluate the overall effect of the Management Plan on the ground water resources of the GBGWMA. If the Director determines the management and implementation strategies of the Management Plan have not been implemented or the Management Plan has not improved ground water resource conditions, the Director may determine the ground water supply in the GBGWMA is not sufficient to meet the demands of water rights and order the administration of ground water rights on a time priority basis. The first performance term review by the Director shall be ten (10) years after the date the Management Plan is approved, and every five (5) years thereafter.

- c. Revise Section VII. A., Ground Water District Formation, to change the metric for ground water district formation from 2022 to 2023, and remove footnote number 1, page 6 which notes that “all dates anticipated in this plan assume the plan is approved in fall of 2022.”
- d. Revise Section VII. B., Measurement of Ground Water Diversions, to delete the July 1, 2023 deadline for the Director to issue a ground water measurement order and clarify that the Director may issue the order after the formation of a ground water district.
- e. Revise Section VII. C., Creation of a Water District, to change the metric deadline for the Director’s review of the Management Plan and consideration of water district creation from July 1, 2027 to five (5) years after the approval of the Management Plan or sooner if the Director finds it is necessary.
- f. Revise Section VII. D., Expansion of Ground Water Monitoring Network, to change the Metric date for the Advisory Committee to start coordination with IDWR on an expanded network from 2022 to 2023.
- g. Revise Section VII. E., New Appropriations of Ground Water, to delete all language that supports a moratorium on new ground water appropriations within the GBGWMA. This language is not necessary because the Director issued the *Amended Snake River Moratorium Order* on October 21, 2022. Former Section VII. F., Public Water Systems, is now Section VII. E.
- h. Revise Section VII. F. (formerly Section VII. G.), Diversion Volume Reductions, to clarify that ground water use reductions will commence in 2028 instead of 2027.
- i. Revise Section VII. G. (formerly Section VII. H.), Ground Water Recharge, to adjust the metric deadline for a recommended plan that identifies potential recharge sites, from November 1, 2024 to January 1, 2025.
- j. Revise Section VIII., Advisory Committee, to delete the first sentence of the section that states the Advisory Committee recommends the Director hold a public meeting to present the Draft Management Plan and seek public input. The sentence is not necessary because the Director held a public meeting to present the Revised Draft Management Plan on December 6, 2022.

The Director concludes the Revised Draft Management Plan, with slight modification, if aggressively implemented, will manage the effects of ground water withdrawals from aquifers within the GBGWMA.

## **ORDER**

IT IS HEREBY ORDERED that the Director approves the Revised Draft Management Plan as modified above. The revised document is retitled “Final Grand View – Bruneau Ground Water Management Area Management Plan” and is dated April 18, 2023. The Final Grand View - Bruneau Ground Water Management Area Management Plan is attached to this Order and is incorporated into this Order.

IT IS FURTHER ORDERED that, upon ten (10) years from the date this Management Plan is approved, and every five (5) years thereafter, the Director will review and evaluate the overall effect of the Management Plan on the ground water resources of the GBGWMA. If upon such review, the Director determines the Management Plan strategies have not been implemented or the Management Plan has not improved ground water resource conditions, the Director may determine the ground water supply in the GBGWMA is not sufficient to meet the demands of water rights and order the administration of ground water rights on a time priority basis in accordance with Idaho Code § 42-233b.

Any person who is aggrieved by this order shall be entitled to a hearing before the Director to contest the order. The person shall file with the Director, within fifteen (15) days after receipt of written notice of the order, or receipt of actual notice, a written petition stating the grounds for contesting the order and requesting a hearing. *See* Idaho Code § 42-1701A(3).

DATED this 18<sup>th</sup> day of April 2023.



Gary Spackman  
Director

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18<sup>th</sup> day of April, 2023, a letter with a link to the full order posted on the Department's website was mailed through the United States Postal Service to the service list posted on the Department's website: <https://idwr.idaho.gov/water-rights/groundwater-management-areas/grand-view-bruneau-advisory-comm/>

  
Megan Jenkins  
Idaho Department of Water Resources